

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHIVA STEIN,

Plaintiff,

-v-

TWITTER, INC., *et al.*,

Defendant.

22-CV-5490 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Plaintiff Shiva Stein brings this action against Twitter, Inc. and individuals (collectively the “Defendants”) for violations of Sections 14(a) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78n(a), 78t(a), and SEC Rule 14a-9, 17 C.F.R. 240.14a-9 and 17 C.F.R. § 244.100.

This action was filed on June 28, 2022. (ECF No. 1.) The docket reflects that Stein has not served the defendants with the complaint. On October 5, 2023, the Court directed Plaintiff file a status letter or notice of dismissal. (ECF No. 3.) The Court warned Plaintiff that if Plaintiff did not file a status letter or notice of dismissal by October 19, 2023, the Court would dismiss the case. The Court has not received any such filing.

Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within 90 days after the complaint is filed. Rule 4(m) requires that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Accordingly, in light Plaintiff's failure to serve the defendant and to respond to this Court's Order, this case is DISMISSED without prejudice.

The Clerk is directed to close the case.

SO ORDERED.

Dated: October 26, 2023
New York, New York



J. PAUL OETKEN
United States District Judge